

News from the FPPC

California Fair Political Practices Commission
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FPPC Shines Light on “Thinly Veiled” Campaign Speech ***Commission’s decision paves way for increased disclosure***

The Fair Political Practices Commission, California’s campaign finance watchdog, today adopted a new rule requiring groups that send out campaign messages “expressly advocating” for the election or defeat of a candidate or ballot measure, to disclose who paid for the message—even in instances where those messages do not contain so-called “magic words,” which has been the legal threshold for such disclosure in the past.

The Commission’s approved changes will make it easier for Californians to determine who paid for these types of campaign messages. Previously, disclosure was only required when a campaign communication contained specific words or phrases, such as “vote for,” “oppose,” “elect,” etc. The Commission will now also require disclosure when a message is crafted without them, but is “susceptible of no reasonable interpretation, other than as an appeal to vote for or against a specific candidate or measure.”

“This is a great day for Californians,” said FPPC Chairman Dan Schnur. “The Commission has adopted what is likely the first statewide rule of its type in the nation. By forcing the disclosure of those who truly attempt to influence the outcome of an election, we have put an end to the most egregious of campaign tactics. Now, when groups try to stay in the shadows by sending out carefully crafted campaign messages in the days and months before an election that are nothing more than thinly veiled attempts to sway the electorate, the public will know who is behind them.”

Under California’s political law there are two types of speech: issue advocacy and express advocacy. Issue advocacy merely *informs* the public about matters unrelated to an election and are essentially unregulated. However, express advocacy *urges* a particular outcome in an election and is regulated. Individuals and groups engaging in this regulated speech must comply with state rules requiring periodic disclosure of where they received their money, how it was spent and identify within their advertisements that they paid for the political communications seen or heard by voters. This new disclosure applies to messages that appear during the final 60 days of an election.

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